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EXAMINER	
ZHONG, JUN FEI	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/726,727	MATZ, WILLIAM RANDOLPH	
	Examiner	Art Unit	
	JUN FEI ZHONG	2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 June 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6,11-13,16-18,20 and 22-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6,11-13,16-18,20 and 22-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/24/2010 has been entered.

Status of Claims

2. Claims 1-3, 6, 11-13, 16-18, 20, 22-31 are pending.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV, reads as follows:

> In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035.
>
> Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in Sec. 101.
>
> … a signal does not fall within one of the four statutory classes of Sec. 101.

> … signal claims are ineligible for patent protection because they do not fall within any of the four
> statutory classes of Sec. 101.

Claims 13, 16-17, 23-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claims 13, 16-17, 23-24 are drawn to functional descriptive material recorded on a computer storage medium. Normally, the claim would be statutory. However, the specification, at page 5, lines 15-19 defines the claimed computer readable medium as *"the computer program product* ***may be*** *a computer storage medium…"*

Reading the claims with their broadest reasonable interpretation, "*a computer program product*" may be a transitory, propagating signal and therefore does not fall within one of the four statutory classes of § 101. Rather, "signal" is a form of energy, in the absence of any physical structure or tangible material.

Because the full scope of the claim as properly read in light of the disclosure encompasses non-statutory subject matter, the claim as a whole is non-statutory. The examiner suggests amending the claim with the language "a non-transitory computer readable product" or "a non-signal computer readable product"; or filing a disavow statement indicating the "computer readable product" is not a signal, carrier waver, etc. non-statutory subject matter.

Any amendment to the claim should be commensurate with its corresponding disclosure.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-3, 6, 11-13, 16-18, 20, 23, 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al. (Patent # US 6486920) in view of Marsh (Pub # US 2003/0195863), in view of Wood et al. (Pub # US 2005/0047752), further in view of Kaltz (Pub # US 2003/0159145), and further in view of Labeeb et al. (Pub # US 2003/0093792 A1).

As to claim 1, Arai discloses a method of presenting channel content in a distributed network having a client device (e.g., receiver 100; Fig. 73) and a server device (e.g., center system 1000; Fig. 73), the method comprising:

evaluating tagged content (e.g., searching program information matches search condition), where in each content has a respective tag directly appended thereto (e.g., program information; the transport stream including multiplexed program information and AV data) (see abstract; col. 8, lines 1-34; col. 9, line 55-col. 10, line 32; Fig. 5);

creating a personalized channel at the client device, wherein the personalized channel comprises tagged content from two or more predetermined

channels (e.g., user enter search condition to create “my channel”) (see col. 9, lines 17-35; col. 10, lines 6-32; Fig. 4);

displaying the tagged content on the personalized channel (see col. 9, lines 17-35; Fig. 4).

Arai does not specifically disclose wherein each tag comprises content type information, content title information, viewer age information, viewer gender information, viewer income information, viewer location information, and content rating information;

Marsh disclose the tag is directly appended (e.g., adding content description metadata to a particular media content), wherein each content has a respective tag associated therewith and wherein each tag comprises content type information, content title information, viewer age information, viewer gender information, viewer income information, viewer location information, and content rating information (e.g., metadata includes content type, title and rating information, also includes viewer age, gender, income, and location information) (see paragraph 0035, 0080, 0193, 0227-0232, 0525, 0961, 1271)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide content metadata as taught by Marsh to the personal channel system of Arai to provide a user to make decisions about which programs to view based on descriptive data associated with programs beyond the short descriptions typically displayed in an EPG (see paragraph 0003).

Arai and Marsh fail to specifically disclose the user able to exclude contents with certain rating in the search condition.

Wood discloses implementing a user profile, wherein the user selected criteria comprises at least one content rating (e.g., parental control or quality ratings) to exclude and at least one programming type (e.g., show class) to exclude; wherein the personalized channel excludes tagged content based on the at least one content rating in the user profile and wherein the personalized channel excludes tagged content based on the at least one programming type to exclude (e.g., ignore program that meets the "negative" criteria) (see paragraph 0026, 0042-0044, 0052);

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide content rating as taught by Wood to the personal channel system of Arai as modified by Marsh to provide a personalized channel that a user could enter different search criteria.

Arai, Marsh, and Wood fail to specifically disclose identifying content preferences in user-assigned order.

Kaltz discloses identifying content preferences selected manually by a user in user-assigned order (e.g., user crates a priority list; Fig. 4);

wherein conflict is resolved when tagged content from the two or more predetermined channels match the user profile and occur at the same time by selecting tagged content from one of the two or more predetermined channels that matches a highest order preference in the user profile (e.g., using a tie-breaker attribute to chose content when more then one content matches; Fig. 9) (see paragraph 0014, 0024-0026, 0034-0036)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide preferences in user-assigned order as taught by Kaltz to the personal channel system of Arai as modified by Marsh and Wood when there are more then one content matches user's profile, the system can provide user with the best match content based on the ranking to satisfy user's need.

Arai, Marsh, Wood and Kaltz do not specifically disclose the personal channel is created automatically through the user profile.

Labeeb discloses implementing a user profile, wherein the user profile comprises a stored data structure (e.g., database 116) identifying content preferences selected manually by a user (e.g., viewer created profile), selected automatically based on user history, and updated automatically based on updated historical information (e.g., personal preference database generated by user's viewing habits; and updating user selection history) (see paragraph 0067, 0073, 0104-0106, 0110-0114, 0207),

the personalized channel is automatically created through use of the user profile, wherein the personalized channel excludes tagged content based on the at least one programming type to exclude (e.g., filtering out Ads that not be interesting to the viewer) (see paragraph 0067, 0073, 0104-0106, 3010).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide automatically generated profile as taught by Labeeb to the personal channel system of Arai as modified by Marsh, Wood and Kaltz because it allows the viewer to select one of the plurality of

received TV programs for viewing, and responding to the viewer selection by controlling the programming displayed to the viewer in accordance with the viewer selection and with previously determined viewing preferences of the viewer (see paragraph 0003).

As to claim 18, Arai discloses a method of displaying a programming guide of channel content in a distributed network having a client device (e.g., receiver 100; Fig. 73) and a server device (e.g., center system 1000; Fig. 73), the method comprising:

receiving content tag information prior to receiving content to which the tag is directly appended (e.g., receives search criteria (program description information) from a user; the transport stream including multiplexed program information and AV data) (see abstract; col. 8, lines 1-34; col. 9, line 55-col. 10, line 32; Fig. 5);

evaluating tag information, wherein evaluating tag information comprises implementing a user profile comprising a stored profile of preferences, wherein the stored profile of preferences comprises user selected criteria (e.g., searching program information matches search condition, such as program fee less than 100 yen) (see col. 8, lines 45-65; col. 9, line 55-col. 10, line 32; Fig. 1 and 3);

displaying a personalized programming guide at the client device, wherein the personalized programming guide displays a preferred subset of available tagged content, wherein the preferred subset is based on the user profile, wherein the personalized programming guide displays at least one personalized

channel having tagged content from two or more predetermined channels (e.g., searching program information matched search condition selected by user and display in “My Channel”) (see col. 9, lines 17-35; Fig. 4, 6).

Arai does not specifically disclose the content tag information comprises content type, content title, viewer age information, viewer gender information, viewer income information, viewer location information, and content rating information;

Marsh discloses disclose the tag is directly appended (e.g., adding content description metadata to a particular media content), wherein the content tag information comprises content type, content title, viewer age information, viewer gender information, viewer income information, viewer location information, and content rating information (e.g., metadata includes content type, title and rating information, also includes viewer age, gender, income, and location information) (see paragraph 0035, 0080, 0193, 0227-0232, 0525, 0961, 1271)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide content metadata as taught by Marsh to the personal channel system of Arai to provide a user to make decisions about which programs to view based on descriptive data associated with programs beyond the short descriptions typically displayed in an EPG (see paragraph 0003).

Arai and Marsh fail to specifically disclose the user selected search condition to exclude contents with certain rating.

Wood discloses user selected criteria comprising at least one content rating (e.g., parental control or quality ratings) to exclude and at least one

programming type (e.g., show class) to exclude; wherein the personalized channel excludes tagged content based on the at least one content rating in the user profile and wherein the personalized channel excludes tagged content based on the at least one programming type to exclude (e.g., ignore program that meets the “negative” criteria) (see paragraph 0026, 0042-0044, 0052) (see paragraph 0042);

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide content rating as taught by Wood to the personal channel system of Arai as modified by Marsh to provide a personalized channel that a user could enter different search criteria.

Arai, Marsh and Wood do not specifically disclose identifying content preferences in user-assigned order.

Kaltz discloses identifying content preferences selected manually by a user in user-assigned order (e.g., user crates a priority list; Fig. 4),

wherein conflict is resolved between tagged content from the two or more predetermined channels match the user profile and occur at the same time by selecting tagged content from one of the two or more predetermined channels that matches a highest order preference in the user profile (e.g., using a tie-breaker attribute to chose content when more then one content matches; Fig. 9) (see paragraph 0014, 0024-0026, 0034-0036)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide preferences in user-assigned order as taught by Kaltz to the personal channel system of Arai as modified by Marsh and Wood

when there are more then one content matches user's profile, the system can provide user with the best match content based on the ranking to satisfy user's need.

Arai, Marsh, Wood and Kaltz do not specifically disclose the user preferences selected automatically based on user history, and updated automatically based on updated historical information.

Labeeb discloses a user profile comprising a stored profile of preferences selected manually by a user (e.g., viewer created profile), selected automatically based on user history, and updated automatically based on updated historical information (e.g., personal preference database generated by user's viewing habits; and updating user selection history) (see paragraph 0067, 0073, 0104-0106, 110-0114, 0207),

wherein the personalized channel excludes tagged content based on the at least one programming type to exclude (e.g., filtering out Ads that not be interesting to the viewer) (see paragraph 0067, 0073, 0104-0106, 3010).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide automatically generated profile as taught by Labeeb to the personal channel system of Arai as modified by Marsh, Wood and Kaltz because it allows the viewer to select one of the plurality of received TV programs for viewing, and responding to the viewer selection by controlling the programming displayed to the viewer in accordance with the viewer selection and with previously determined viewing preferences of the viewer (see paragraph 0003).

As to claim 25, Arai discloses a system for displaying personalized channel information comprising:

a receive module (e.g., receiving section 1; Fig. 1) that receives tag information, wherein the tag information is directly appended to content that may be viewed by a user of the system (e.g., receives search criteria (program description information) from a user; the transport stream including multiplexed program information and AV data) (see abstract; col. 8, lines 1-34; col. 9, line 55-col. 10, line 32; Fig. 5);

an analysis module (e.g., search section 4; Fig. 1) that analyzes the tag information contained within the plurality of fields and modifies the display of the tag information (e.g., generating a “my channel" list), the analysis module being configured to implementing a user profile comprising user selected criteria (see col. 8, lines 45-65; col. 9, line 55-col. 10, line 32);

a display module (e.g., program guide display section 6) for displaying the modified tag information (see col. 9, lines 17-35; Fig. 4).

a profile interface module (e.g., search condition input section 3; Fig. 1) that accesses the user profile (e.g., user entered search criteria) and provides tag information to the analysis module (e.g., search section 4; Fig. 1), the analysis module using the profile tag information in selecting tagged content to add to the personalized channel from two or more predetermined channels (e.g., searching program information matches search condition to create “my channel”) (see col. 8, lines 50-65; col. 9, lines 17-35; col. 10, lines 6-32; Fig. 1, 3, 4);

Arai does not specifically disclose the program information is included within a plurality of fields including a content type field, a content title field, a viewer age field, a viewer gender field, a viewer income field, a viewer location field, and a content rating field;

Marsh discloses the tag is directly appended (e.g., adding content description metadata to a particular media content), wherein the tag information is included within a plurality of fields including a content type field, a content title field, a viewer age field, a viewer gender field, a viewer income field, a viewer location field, and a content rating field (e.g., metadata includes content type, title and rating information, also includes viewer age, gender, income, and location information) (see paragraph 0035, 0080, 0193, 0227-0232, 0525, 0961, 1271)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide content metadata as taught by Marsh to the personal channel system of Arai to provide a user to make decisions about which programs to view based on descriptive data associated with programs beyond the short descriptions typically displayed in an EPG (see paragraph 0003).

Arai and Marsh fail to specifically disclose the user able to exclude contents with certain rating in the search condition.

Wood discloses user selected criteria comprising at least one content rating (e.g., parental control or quality ratings) to exclude and at least one programming type (e.g., show class) to exclude; excluding tagged content comprising at least one content rating to exclude and the at least one

programming type to exclude (e.g., ignore program that meets the “negative” criteria) (see paragraph 0026, 0042-0044, 0052) (see paragraph 0042);

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide content rating as taught by Wood to the personal channel system of Arai as modified by Marsh to provide a personalized channel that a user could enter different search criteria.

Arai, Marsh, and Wood fail to specifically disclose identifying content preferences in user-assigned order.

Kaltz discloses identifying content preferences in user-assigned order (e.g., user crates a priority list; Fig. 4),

wherein conflict is resolved between tagged content from the two or more predetermined channels match the user profile and occur at the same time by selecting tagged content from one of the two or more predetermined channels that matches a highest order preference in the user profile (e.g., using a tie-breaker attribute to chose content when more then one content matches; Fig. 9) (see paragraph 0014, 0024-0026, 0034-0036)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide preferences in user-assigned order as taught by Kaltz to the personal channel system of Arai as modified by Marsh and Wood when there are more then one content matches user's profile, the system can provide user with the best match content based on the ranking to satisfy user’s need.

Arai, Marsh, Wood and Kaltz do not specifically disclose the user preferences selected automatically based on user history, and updated automatically based on updated historical information.

Labeeb discloses a user profile of preferences selected manually by a user (e.g., viewer created profile), selected automatically based on user history, and updated automatically based on updated historical information (e.g., personal preference database generated by user's viewing habits; and updating user selection history) (see paragraph 0067, 0073, 0104-0106, 110-0114, 0207),

excluding tagged content comprising the at least one programming type to exclude (e.g., filtering out Ads that not be interesting to the viewer) (see paragraph 0067, 0073, 0104-0106, 3010).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide automatically generated profile as taught by Labeeb to the personal channel system of Arai as modified by Marsh, Wood and Kaltz because it allows the viewer to select one of the plurality of received TV programs for viewing, and responding to the viewer selection by controlling the programming displayed to the viewer in accordance with the viewer selection and with previously determined viewing preferences of the viewer (see paragraph 0003).

As to claim 2, Arai discloses the method of claim 1, wherein the tagged content is received from the server device and wherein the method further comprises:

parsing the tagged content to evaluate the information contained within each tag (e.g., searching program information matches search condition) (see col. 8, lines 50-65; Fig. 1 and 3);

wherein the act of creating a personalized channel comprises repackaging tagged content into the personalized channel (e.g., switching between channels to generate a personal channel) (see col. 9, lines 35-45).

As to claim 3, Arai discloses the method of claim 1, wherein the tagged content is received from the server device and wherein the method further comprises:

parsing the tagged content to evaluate the information contained within each tag (e.g., searching program information matches search condition) (see col. 8, lines 50-65; Fig. 1 and 3);

wherein the act of creating a personalized channel comprises automatically redirecting selected tagged content to the user (e.g., switching between channels to generate a personal channel; it is done by the receiver) (see col. 9, lines 35-45).

As to claim 6, Labeeb discloses the method of claim 1 wherein the preference information comprises preferences as to the type of tagged content and the rating of the tagged content (see paragraph 0353).

As to claim 11, Arai discloses the method of claim 1, further comprising: creating a second personalized channel (e.g., my channel 2; Fig. 6), the second personalized channel comprising tagged content from two or more predetermined channels, wherein second channel comprises at least some tagged content not in the first personalized channel (see col. 9, lines 55-67; Fig. 6).

As to claim 12, Labeeb discloses the method of claim 11 further comprising: accessing the first personalized channel using a first access code; and accessing the second personalized channel using a second access code, the second access code being different from the first access code (e.g., the personal channel is based on user's profile, each user has different profile, and each user has a password to login the system; i.e., user Bob has a password, user Susan has a password) (see page 145-146).

As to claims 13 and 16-17, they contain the limitations of claims 1 and 11-12 and are analyzed as previously discussed with respect to claims 1 and 11-12 above.

As to claim 20, Arai discloses a the method of claim 18, wherein the personalized programming guide blocks content tags appended to content to be excluded, as identified in the user profile (e.g., only program information matched

search condition in the search result; i.e., blocking not matched information) (see col. 8, lines 45-65; Fig. 1 and 3).

As to claim 23, it contains the limitations of claim 18 and is analyzed as previously discussed with respect to claim 18 above.

As to claim 26, Arai discloses the system of claim 25, wherein the modified tag information (e.g., generating a “my channel” list) displayed is an abbreviated programming guide (see col. 9, lines 17-35; Fig. 4).

As to claim 27, Arai discloses the system of claim 26, wherein the abbreviated programming guide displays personalized channel data (e.g., my channel data) (see col. 9, lines 17-35; Fig. 4).

As to claim 28, Arai discloses the system of claim 27 further comprising:

a user input/output module (e.g., remote controller 9) that receives personalized channel content selections to be added to the personalized channel, wherein the analysis module adds the selected tagged content to the personalized channel (e.g., user selecting a program add to personal channel) (see col. 10, lines 35-42).

As to claim 29, Arai discloses the system of in claim 27 further comprising:

a profile interface module (e.g., search condition input section 3) that accesses the user profile and provides tag information to the analysis module (e.g., search section 4; Fig. 1), the analysis module uses the profile tag information in selecting tagged content to add to the personalized channel (see col. 8, lines 50-65; col. 10, lines 6-11).

As to claim 30, Arai discloses the system of claim 25, wherein the modified tag information (e.g., generating a "my channel" list) comprises a personalized channel of tagged content (see col. 8, lines 45-65).

As to claim 31, it contains the limitations of claim 28 and is analyzed as previously discussed with respect to claim 28 above.

6. Claims 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai in view of Marsh (Pub # US 2003/0195863), in view of Wood et al. (Pub # US 2005/0047752), in view of Kaltz (Pub # US 2003/0159145), in view of Labeeb et al. (Pub # US 2003/0093792 A1), further in view of Jerding et al. (Pub # US 2005/0044565).

As to claim 22, Arai discloses the method of claim 21 wherein the programming guide scrolls through the predetermined channels, wherein the method further comprises: displaying the at least one personalized channels (e.g., "My Channel", Fig. 4 and 8).

However, Arai does not explicitly disclose continuously display at least one personalized channels.

Jerding discloses continuously displaying the at least one personalized channels (e.g., always presenting a favorite channel) (see paragraph 0054).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to continuously displaying the personalized channels as taught by Jerding to the personal channel system of Arai as modified by Marsh, Wood, Kaltz and Labeeb in order to provide a program guide that allows the user to quickly access the frequently watched channel.

As to claim 24, it contains the limitations of claim 22 and is analyzed as previously discussed with respect to claim 22 above.

Response to Arguments

7. Applicant's arguments with respect to claims 1-3, 6, 11-13, 16-18, 20, 22-31 have been considered but are moot in view of the new ground(s) of rejection.

Although a new ground of rejection has been used to address additional limitations that have been added to claims 1, 18 and 25, a response is considered necessary for several of applicant's arguments since Arai, Marsh, Wood, Kaltz and Labeeb references will continue to be used to meet several claimed limitations.

1) Applicant argues that "*Arai does not describe or suggest implementing a user profile with a data structure identifying content preferences selected*

manually by a user in user-assigned order, selected automatically based on user history, and updated automatically based on updated historical information, as recited in Claim 1".

However, the examiner respectfully disagrees. First of all, the rejection is based on combination of references, Arai, Marsh, Wood, Kaltz and Labeeb. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Secondly, Labeeb discloses a user profile of preferences selected manually by a user (e.g., viewer created profile), selected automatically based on user history, and updated automatically based on updated historical information (e.g., personal preference database generated by user's viewing habits; and updating user selection history) (see paragraph 0067, 0073, 0104-0106, 110-0114, 0207). And Kaltz discloses identifying content preferences selected manually by a user in user-assigned order (e.g., user crates a priority list; Fig. 4);

Thus, Arai in view of Marsh, Wood, Kaltz and Labeeb disclose the claimed limitation.

2) Applicant argues that "*Marsh does not describe or suggest a user profile that comprises a stored data structure identifying content preferences selected manually by a user in user-assigned order, selected automatically based on user history, and updated automatically based on updated historical*

information, wherein the user selected criteria comprises at least one content rating to exclude and at least one programming type to exclude, as recited in amended Claim 1".

The examiner respectfully disagrees. Again, the rejection is based on combination of Arai, Marsh, Wood, Kaltz and Labeeb references.

Labeeb discloses a user profile of preferences selected manually by a user (e.g., viewer created profile), selected automatically based on user history, and updated automatically based on updated historical information (e.g., personal preference database generated by user's viewing habits; and updating user selection history) (see paragraph 0067, 0073, 0104-0106, 110-0114, 0207). And Kaltz discloses identifying content preferences selected manually by a user in user-assigned order (e.g., user crates a priority list; Fig. 4); Wood discloses implementing a user profile, wherein the user selected criteria comprises at least one content rating (e.g., parental control or quality ratings) to exclude and at least one programming type (e.g., show class) to exclude (see paragraph 0026, 0042-0044, 0052);

Thus, Arai in view of Marsh, Wood, Kaltz and Labeeb disclose the claimed limitation.

3) Applicant argues that "*Wood fails to describe or suggest a stored data structure identifying content preferences selected manually by a user in user-assigned order, selected automatically based on user history, and updated automatically based on updated historical information, as recited in Claim 1*".

The examiner respectfully disagrees. Again, the rejection is based on combination of Arai, Marsh, Wood, Kaltz and Labeeb references and the combination discloses the claimed limitation (see rejection of claim 1 and response to arguments 2) above).

4) Applicant argues that "*Kaltz does not describe or suggest a stored data structure identifying content preferences selected manually by a user in user-assigned order, selected automatically based on user history, and updated automatically based on updated historical information, as recited in Claim 1*".

The examiner respectfully disagrees. Again, the rejection is based on combination of Arai, Marsh, Wood, Kaltz and Labeeb references and the combination discloses the claimed limitation (see rejection of claim 1 and response to arguments 2) above).

4) Applicant argues that "*Kaltz does not describe or suggest a stored data structure identifying content preferences selected manually by a user in user-assigned order, selected automatically based on user history, and updated automatically based on updated historical information, as recited in Claim 1*".

The examiner respectfully disagrees. Again, the rejection is based on combination of Arai, Marsh, Wood, Kaltz and Labeeb references and the combination discloses the claimed limitation (see rejection of claim 1 and response to arguments 2) above).

Kaltz discloses identifying content preferences selected manually by a user in user-assigned order (e.g., user crates a priority list; Fig. 4); Labeeb discloses a user profile of preferences selected manually by a user (e.g., viewer

created profile), selected automatically based on user history, and updated automatically based on updated historical information (e.g., personal preference database generated by user's viewing habits; and updating user selection history) (see paragraph 0067, 0073, 0104-0106, 110-0114, 0207).

5) Applicant argues that "*Labeeb does not describe or suggest a stored data structure identifying content preferences selected manually by a user in user-assigned order, selected automatically based on user history, and updated automatically based on updated historical information, as recited in Claim 1*".

The examiner respectfully disagrees. Again, the rejection is based on combination of Arai, Marsh, Wood, Kaltz and Labeeb references (see rejection of claim 1 and response to arguments 2) above).

Kaltz discloses identifying content preferences selected manually by a user in user-assigned order (e.g., user crates a priority list; Fig. 4); Labeeb discloses a user profile of preferences selected manually by a user (e.g., viewer created profile), selected automatically based on user history, and updated automatically based on updated historical information (e.g., personal preference database generated by user's viewing habits; and updating user selection history) (see paragraph 0067, 0073, 0104-0106, 110-0114, 0207).

Thus, Arai in view of Marsh, Wood, Kaltz and Labeeb disclose the claimed limitation.

Inter alia, the rejections are maintained at least for the reason above.

Conclusion

8. Claims 1-3, 6, 11-13, 16-18, 20, 22-31 are rejected.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Novak et al. (Patent # US 7103905 B2) is cited to teach personal channel.

Traw et al. (Pub # US 2003/0066090 A1) is cited to teach personalized channel.

Blas (Pub # US 2004/0216158) is cited to teach personal program guide.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUN FEI ZHONG whose telephone number is (571)270-1708. The examiner can normally be reached on M-F, 7:30~5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on 571-272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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JFZ
8/25/2010

/Jun Fei Zhong/

Examiner, Art Unit 2426